

THE HONORABLE JAMAL N. WHITEHEAD

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

SEA MAR COMMUNITY HEALTH  
CENTERS,

Plaintiff,

v.

ACCREDITATION COUNCIL FOR  
GRADUATE MEDICAL EDUCATION,

Defendant.

Case No. C24-896 JNW

**MOTION TO SEAL PLAINTIFF'S  
FIRST AMENDED COMPLAINT**

NOTE ON MOTION CALENDAR:  
September 16, 2024

Pursuant to Local Rules W.D. Wash. LCR 5(g), Plaintiff Sea Mar Community Health Centers ("Sea Mar") respectfully moves to seal its First Amended Complaint (the "FAC").

The FAC includes discussions of and references to materials produced by Defendant Accreditation Council for Graduate Medical Education ("ACGME") in discovery and designated by ACGME as "Confidential." Under the terms of the Stipulated Protective Order entered by the parties and approved by the Court, the FAC is therefore subject to the process outlined in LCR 5(g). *See* Dkt. No. 38 at 4. ACGME prefers at this time that the FAC be filed under seal pursuant to LCR 5(g). As discussed below, Sea Mar believes that the sealing of the FAC is neither warranted under the circumstances nor in the public interest, and that the Court's presumption of public access should ultimately control here.

1 As background, on August 23, 2024, counsel for Sea Mar contacted counsel for ACGME,  
2 informing them of the FAC's discussions of and references to Confidential materials and seeking  
3 ACGME's position on the need to seal the FAC. Sea Mar subsequently provided ACGME with a  
4 near-final draft of the FAC to review on August 25, ahead of the parties' conferral. In response to  
5 ACGME's request for additional information, on August 26, Sea Mar furnished ACGME with the  
6 Bates numbers of the Confidential materials discussed and referenced in the FAC and a copy of  
7 the FAC highlighting (and thus proposing for redaction) those discussions and references.

8 On August 26, counsel for Sea Mar (David B. Robbins, Cara V. Wallace, and Jonathan P.  
9 Hawley) met and conferred with counsel for ACGME (Vanessa Soriano Power, Nathan E.  
10 Shafroth, and Majid Waheed) via videoconference pursuant to LCR 5(g)(3)(A). Sea Mar  
11 communicated its position that the FAC should *not* be sealed, given (1) the "strong presumption  
12 of public access to the court's files," Local Rules W.D. Wash. LCR 5(g); (2) the public's  
13 significant interest in the state's family medicine residency programs, particularly those in  
14 underserved areas, *see, e.g.*, S.S.H.B. 1485 § 1, 64th Leg., 2015 Reg. Sess. (Wash.) (recognizing  
15 and remediating "family medicine physicians in shortage areas in the state")—and, by extension,  
16 ACGME's accreditation of those programs; and (3) that the sealed FAC does not contain the  
17 information that ACGME previously sought to redact from its production—namely, "residents'  
18 and faculty members' names and other identifying details," Dkt. No. 33 at 18–19. ACGME stated  
19 its preference at this time that Sea Mar file a redacted copy of the FAC on the public docket and  
20 the unredacted FAC under seal. Sea Mar has accordingly filed the unredacted FAC under seal and,  
21 pursuant to LCR 5(g)(3)(B), leaves it to ACGME to justify the seal in its response.

22 For the foregoing reasons, Sea Mar moves to seal the FAC included with this motion.  
23 Consistent with LCR 5(g)(5)(A), Sea Mar is also filing a redacted FAC on the public docket.  
24  
25  
26

1 Dated: August 26, 2024

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19 *Sea Mar Community Health Centers*

**CERTIFICATE OF SERVICE**

I certify under penalty of perjury that, on August 26, 2024, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system, which will send a notification of the filing to the email addresses indicated on the Court's Electronic Mail Notice List.

Dated: August 26, 2024

s/ David B. Robbins

David B. Robbins